

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES MATHIS,

Plaintiff,

Case No. 12-13736

v.

Hon. John Corbett O'Meara

CITY OF DETROIT, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On August 23, 2012, Plaintiff filed his complaint alleging the following causes of action: Count I, violation of the Fourth Amendment (excessive force) pursuant 42 U.S.C. § 1983; Count II, assault and battery; Count III, violation of Fourth Amendment (search and seizure); Count IV, false arrest/imprisonment; Count V, violation of Fourth Amendment (malicious prosecution); Count VI, malicious prosecution; Count VII, municipal liability pursuant to § 1983; and Count VIII, gross negligence.

Although Counts I, III, V, and VII are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Counts II, IV, VI, and VIII of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: October 2, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 2, 2012, using the ECF system.

s/William Barkholz
Case Manager